

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

LARRY FLENOID,)	
)	
Movant,)	
)	
v.)	No. 4:07CV0008 RWS
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before me on movant's third motion for relief from judgment under Rule 60(b) of the Federal Rules of Civil Procedure. The motion will be denied.

Movant brought this action on January 3, 2007. The Court dismissed the § 2255 motion on June 18, 2009, without issuing a certificate of appealability. Movant filed a motion for reconsideration, which the Court denied. The Eighth Circuit Court of Appeals denied movant a certificate of appealability on February 26, 2010. Movant filed a second motion for reconsideration, which the Court denied. Movant appealed from the denial, and the Eighth Circuit Court of Appeals affirmed the Court's decision.

Movant now argues that the Court erred when it dismissed the case in 2007 and violated his right to due process of law. This is the same argument he made in his first two motions for reconsideration.

Rule 60(b) "provides for extraordinary relief which may be granted only upon an adequate showing of exceptional circumstances." United States v. Young, 806

F.2d 805, 806 (8th Cir. 1986) (per curiam), cert. denied, 484 U.S. 836 (1987). Moreover, under Rule 60(c)(1), “[a] motion under Rule 60(b) must be made within a reasonable time.”

Having reviewed movant’s third motion for reconsideration, I do not find that movant has made an adequate showing of exceptional circumstances that might warrant extraordinary relief. Movant disagrees with the Court’s 2009 ruling on his case. Movant has filed two previous motions for reconsideration and two appeals in an effort to change that decision. Movant may not simply file the same meritless brief over and over and expect different results. This is a waste of judicial resources. As a result, the motion for reconsideration will be denied with prejudice.


Additionally, the Court would also deny the motion for the reason that it has not been made in a reasonable time.

Accordingly,

IT IS HEREBY ORDERED that movant’s third motion for relief from judgment [Doc. 84] is **DENIED with prejudice**.

IT IS FURTHER ORDERED that petitioner’s other motions [Docs. 85-86] are **DENIED** as moot.

Dated this 6th day of March, 2013.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE